UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 July 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7 and 9-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7 and 9-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 April 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Priority

1.   Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 4-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Prandoni et al. (U.S. Patent 7,042,493) in view of Tam et al. (U.S. Patent 5,754,186).

In reference to claim 1, Prandoni et al. discloses a video processing apparatus (see

column 1, lines 44-58 and Figure 1) comprising:

an image control section for cutting out an image as static image information in a moving

image from the moving image every predetermined time (see column 2, lines 9-14, 47-62 and

columns 2-3, lines 63-14 wherein Prandoni et al. discloses the apparatus to comprise of a

background-foreground extraction module which receives a video sequence, say from a standard

camera, and extracts one or several foreground features to appear in stroboscoping sequence.

Prandoni et al. further discloses such extraction to occur based upon a number of "triggered"

events one being time-based triggering where foreground features are extracted at fixed time

intervals, say every t seconds) *and extracting input drawing static information from a drawn*

input image every predetermined time;

an image information storage section for storing the static image information in the

moving image cut out by the image control section (see column 5, lines 20-23 wherein Prandoni

et al. claims a computer performing the methods of the invention. Note, the Office interprets the

computer of Prandoni et al. to inherently comprise of some sort of memory for storing, at least

temporarily, the foreground/background extracted images/objects since Prandoni et al. discloses

explicit manipulation of such information which would require at least temporary storage of the

data.) *and the input drawing static information extracted by the image control section;*

an image combining section for combining the static image information in the moving

image *and the input drawing static information stored in the image information storage section*

to create combined image information (see column 3, lines 15-41 and Figure 1 wherein Prandoni

et al. discloses a synthesis module that combines selected foreground features and background

visual information into a composite image); and

an image drawing section for continuously outputting the combined image information

(see columns 3-4, lines 42-14 and Figure 1 wherein Prandoni et al. discloses a rendering module

that in some instances, produces/outputs a video sequence of composited images. Note, the

Office interprets the rendering module to "continuously" produce such composited images since

it outputs the images in a sequence of video frames displaying foreground motion of objects (see

column 3, lines 65-67 and column 4, lines 8-14))

wherein the predetermined time is greater than or equal to a period between when the

image control section cuts out a moving image and *extracts input drawing static information* and

when the combined image information is displayed (see column 3, lines 3-4, 11-13 and 62-67

wherein Prandoni et al. discloses extraction to occur based upon a number of "triggered" events

one being time-based triggering where foreground features are extracted at fixed time intervals,

say every t seconds. Prandoni et al. further discloses the video sequence being rendered when

the triggering events are reached. Therefore, the Office interprets the above mentioned "t"

seconds of the triggering event of Prandoni et al. at least equal to the period between when the

foreground/background extraction module extracts objects and when the rendering/outputting is

actually taken place.).

Prandoni et al. does not explicitly disclose extracting input drawing static information

from a drawn input image every predetermined time. Tam et al. discloses a method and

apparatus for blending of first and second images loaded into corresponding VRAM buffers (see

column 3, lines 57-58 of Tam et al.). Tam et al. discloses the apparatus comprising a computer

system which includes a writing device such as a pen or stylus that allows the user to write on

the screen of a display (see column 5, lines 36-58 and column 6, lines 47-49). Tam et al.

discloses "extracting" such drawing information from memory and combining it with other

image data such as video data (see column 3, lines 61-66, column 6, lines 49-61, column 7, lines

1-36 and columns 7-8, lines 67-4). Note, the Office interprets that the drawing information of

Tam et al. is extracted every predetermined time since Tam et al. discloses performing pen

process drawing when a pen input is received (see column 7, lines 26-27). In other words, the

received pen input establishes the every predetermined time in Tam et al.. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to implement the

pen/stylus and video based image combining techniques of Tam et al. with the

foreground/background image data processing techniques of Prandoni et al. in order to allow the viewing of real-time user interaction data along with the computer system application data or video data on a display simultaneously creating a more user friendly environment since related/useful data is displayed at one time (see column 2, lines 34-49 of Tam et al.).

In reference to claim 4, Prandoni et al. and Tam et al. disclose all of the claim limitations as applied to claim 1 above. Prandoni et al. discloses the apparatus to comprise of a background-foreground extraction module which receives a video sequence, say from a standard camera, and extracts one or several foreground features to appear in stroboscoping sequence (see column 2, lines 9-14, 47-62 and columns 2-3, lines 63-14). Prandoni et al. discloses a rendering module that in some instances, produces/outputs a video sequence of composited images (see columns 3-4, lines 42-14 and Figure 1), the rendering module seen as providing equivalent functionality as Applicant's moving image reproducing section. Prandoni et al. claims a computer performing the methods of the invention (see column 5, lines 20-23). Note, the Office interprets the computer of Prandoni et al. to inherently comprise of some sort of memory or moving image storage section for storing, at least temporarily, the rendered/output video stroboscoped sequences.

In reference to claim 5, Prandoni et al. and Tam et al. disclose all of the claim limitations as applied to claim 1 above. Prandoni et al. discloses the apparatus to comprise of a background-foreground extraction module which receives a video sequence, say from a standard camera, and extracts one or several foreground features to appear in stroboscoping sequence (see column 2, lines 9-14, 47-62 and columns 2-3, lines 63-14). Prandoni et al. discloses a rendering module that in some instances, produces/outputs a video sequence of composited images (see columns 3-

4, lines 42-14 and Figure 1). Tam et al. discloses the pen or stylus creating "strokes" which comprise of engagement and disengagement points and position data in between these points representing the tracking motion of the stylus as it moves across the screen (see column 1, lines 49-62). Note, the Office interprets such "strokes" defined in a functionally equivalent format to a vector type of Applicant's claim. Tam et al. discloses "extracting" such drawing information, "strokes," from memory and combining it with other image data such as video data (see column 3, lines 61-66, column 6, lines 49-61, column 7, lines 1-36 and columns 7-8, lines 67-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen/stylus and video based image combining techniques of Tam et al. with the foreground/background image data processing techniques of Prandoni et al. in order to allow the viewing of real-time user interaction data along with the computer system application data or video data on a display simultaneously creating a more user friendly environment since related/useful data is displayed at one time (see column 2, lines 34-49 of Tam et al.).

In reference to claim 6, Prandoni et al. and Tam et al. disclose all of the claim limitations as applied to claim 5 above. Tam et al. discloses "stroke" data comprising coordinate data (see column 6, lines 49-54), width data and grayscale intensity data (see column 8, lines 16-21). Note, the Office interprets that the "points count" limitation of Applicant's claim is inherently found within the "stroke" data of Tam et al. since Tam et al. discloses the "stroke" data comprising coordinate and width data, which the Office interprets as inherently comprising a "points count." It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen/stylus and video based image combining techniques of Tam et al. with the foreground/background image data processing techniques of Prandoni et al.

in order to allow the viewing of real-time user interaction data along with the computer system

application data or video data on a display simultaneously creating a more user friendly

environment since related/useful data is displayed at one time (see column 2, lines 34-49 of Tam

et al.).

In reference to claim 7, claim 7 is equivalent in scope to claim 1 and is therefore rejected

under similar rationale. Further, it is noted that claim 7 recites a method type claim, the steps of

the method as claimed are disclosed by the above recited teachings of the combination of

Prandoni et al. and Tam et al.

In reference to claim 10, claim 10 is equivalent in scope to claim 1 and is therefore

rejected under similar rationale. Further, it is noted that claim 10 recites a computer-readable

medium/program type claim, the steps of the program executed by the computer as claimed are

disclosed by the above recited teachings of the combination of Prandoni et al. and Tam et al.

Even further, Prandoni et al. claims a computer performing the methods of the invention (see

column 5, lines 20-23). Note, the Office interprets the computer of Prandoni et al. to inherently

comprise of some type of memory or medium for storing instructions/programs to execute or

perform tasks.

3.   Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prandoni

et al. (U.S. Patent 7,042,493), Tam et al. (U.S. Patent 5,754,186) and further in view of

Seedholm, Peter. "Print Screen Button Tutorial."

(http://www.ibiblio.org/virtualcell/Tutor1/TandR/prtscr.html).

In reference to claims 3 and 9, Prandoni et al. and Tam et al. disclose all of the claim

limitations as applied to claims 1 and 7 respectively above. Prandoni et al. claims a computer

performing the methods of the invention (see column 5, lines 20-23) which the Office interprets

as inherently comprising a keyboard providing some sort of input to the invention. Neither

Prandoni et al. nor Tam et al. explicitly disclose the image drawing section having a function of

capturing the combine image using a screen capture signal by an image capture operation of a

user. Seedholm discloses a tutorial for capturing and pasting a displayed screen of data using the

print screen button on a keyboard (see steps 1-6 of Seedholm). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to implement the print screen

display screen capturing techniques of Seedholm with the pen/stylus and video based image

combining techniques of Tam et al. and foreground/background image data processing

techniques of Prandoni et al. in order to capture the current displayed image on a display monitor

and further process the image by i.e. pasting it into another program/application, transmitting it

over a network medium, saving it to a computer medium etc.

4.   Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Prandoni et al. (U.S. Patent 7,042,493), Tam et al. (U.S. Patent 5,754,186) and further in view of

Dempski et al. (U.S. Publication 2004/0155902 A1).

        In reference to claim 11, Prandoni et al. discloses a video processing apparatus (see

column 1, lines 44-58 and Figure 1) *teleconference system in which a plurality of participant*

terminals which participate in a conference are connected through a communication line,

wherein a drawing processing apparatus comprising:

        an image control section for cutting out an image as static image information in a moving

image from the moving image every predetermined time (see column 2, lines 9-14, 47-62 and

columns 2-3, lines 63-14 wherein Prandoni et al. discloses the apparatus to comprise of a

background-foreground extraction module which receives a video sequence, say from a standard

camera, and extracts one or several foreground features to appear in stroboscoping sequence.

Prandoni et al. further discloses such extraction to occur based upon a number of "triggered"

events one being time-based triggering where foreground features are extracted at fixed time

intervals, say every t seconds) *and extracting input drawing static information from a drawn*

input image every predetermined time;

an image information storage section for storing the static image information in the

moving image cut out by the image control section (see column 5, lines 20-23 wherein Prandoni

et al. claims a computer performing the methods of the invention. Note, the Office interprets the

computer of Prandoni et al. to inherently comprise of some sort of memory for storing, at least

temporarily, the foreground/background extracted images/objects since Prandoni et al. discloses

explicit manipulation of such information which would require at least temporary storage of the

data.) *and the input drawing static information extracted by the image control section*;

an image combining section for combining the static image information in the moving

image *and the input drawing static information* stored in the image information storage section

to create combined image information (see column 3, lines 15-41 and Figure 1 wherein Prandoni

et al. discloses a synthesis module that combines selected foreground features and background

visual information into a composite image); and

an image drawing section for continuously outputting the combined image information

(see columns 3-4, lines 42-14 and Figure 1 wherein Prandoni et al. discloses a rendering module

that in some instances, produces/outputs a video sequence of composited images. Note, the

Office interprets the rendering module to "continuously" produce such composited images since

it outputs the images in a sequence of video frames displaying foreground motion of objects (see

column 3, lines 65-67 and column 4, lines 8-14)), *is used as the participant terminal.*

Prandoni et al. does not explicitly disclose extracting input drawing static information

from a drawn input image every predetermined time. Tam et al. discloses a method and

apparatus for blending of first and second images loaded into corresponding VRAM buffers (see

column 3, lines 57-58 of Tam et al.). Tam et al. discloses the apparatus comprising a computer

system which includes a writing device such as a pen or stylus that allows the user to write on

the screen of a display (see column 5, lines 36-58 and column 6, lines 47-49). Tam et al.

discloses "extracting" such drawing information from memory and combining it with other

image data such as video data (see column 3, lines 61-66, column 6, lines 49-61, column 7, lines

1-36 and columns 7-8, lines 67-4). Note, the Office interprets that the drawing information of

Tam et al. is extracted every predetermined time since Tam et al. discloses performing pen

process drawing when a pen input is received (see column 7, lines 26-27). In other words, the

received pen input establishes the every predetermined time in Tam et al.. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to implement the

pen/stylus and video based image combining techniques of Tam et al. with the

foreground/background image data processing techniques of Prandoni et al. in order to allow the

viewing of real-time user interaction data along with the computer system application data or

video data on a display simultaneously creating a more user friendly environment since

related/useful data is displayed at one time (see column 2, lines 34-49 of Tam et al.). Neither

Prandoni et al. nor Tam et al. explicitly disclose their image data processing techniques within a

teleconferencing environment however Dempski et al. does. Dempski et al. discloses a computer

system in a teleconferencing environment for superimposing a computer-generated image onto a

video image or vice versa (see paragraphs 5 and 11 of Dempski et al.). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to implement the

teleconference superimposing techniques of Dempski et al with the pen/stylus and video based

image combining techniques of Tam et al. and foreground/background image data processing

techniques of Prandoni et al. in order to allow multiple users to view, manipulate, and share real-

time data in a teleconferencing environment making it easier to communicate to users in remote

locations (see paragraphs 2-3 of Dempski et al.).

In reference to claim 12, Prandoni et al., Tam et al. and Dempski et al. disclose all of the

claim limitations as applied to claim 11 in addition Prandoni et al. discloses extraction to occur

based upon a number of "triggered" events one being time-based triggering where foreground

features are extracted at fixed time intervals, say every t seconds (see column 3, lines 3-4 and 11-

13). Prandoni et al. further discloses the video sequence being rendered when the triggering

events are reached (see column 3, lines 62-67). Therefore, the Office interprets the above

mentioned "t" seconds of the triggering event of Prandoni et al. at least equal to the period

between when the foreground/background extraction module extracts objects and when the

rendering/outputting is actually taken place.

Response to Arguments

5.   Applicant's arguments, see Examiner Interview Summary Record, filed 06/25/07, with

respect to the 35 USC 101 rejection of claims 7 and 9 have been fully considered and are

persuasive. The 35 USC 101 rejection of claims 7 and 9has been withdrawn since a clarification

of interim guidelines for examination of patent applications for subject matter eligibility has been

realized by the Office.

6.   Applicant's arguments, see page 7 of Applicant's Remarks, filed 07/17/07, with respect

to the 35 USC 101 rejection of claim 10 have been fully considered and are persuasive. The 35

USC 101 rejection of claim 10 has been withdrawn since amendments to the claim now recite

statutory subject matter.

7.   Applicant's arguments, see pages 7-9 of Applicant's Remarks, filed 07/17/07, with

respect to the rejection(s) of claim(s) 1, 3-7 and 9-12 under 35 USC 103(a) in view of Mizuno,

Tam and Dempski, have been fully considered and are persuasive. Therefore, the rejection has

been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in

view of Prandoni, Tam, Dempski and Seedholm.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781.

The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00

AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac

9/18/07